

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUSSELL HOFFMANN,

Defendant.

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Case No. 8:05CR282

**REPORT AND RECOMMENDATION
AND ORDER**

At the conclusion of the hearing held February 2, 2006 on defendant Hoffmann's Motions, I stated my conclusions on the record, and my decision to recommend ruling on the motions as set out below. In accordance with that announcement,

IT IS RECOMMENDED to the Honorable United States District Judge Joseph F. Bataillon, that:

1. The Motion to Sever [#32] be denied;
2. The Motion to Dismiss Criminal Case or in the Alternative, Motion for a Bill of Particulars [#33] be denied;
3. The Motion to Strike Surplusage from the Superseding Indictment [#34] be granted;
4. The Motion for Preservation and Inventory of Rough Interview Notes [#35] be granted as to preservation and denied as to inventory;
5. The Motion for Discovery of Statements of Co-Defendants [#36] be granted;
6. The Motion for Production of Favorable Evidence and Discovery and Inspection of Documents [#37] be denied; and
7. The Motion for Production of Statements and Reports of Witnesses [#38] be denied.

IT IS FURTHER ORDERED:

1. The clerk shall cause an expedited transcript of the hearing to be prepared and filed.

2. Pursuant to NECrimR 57.3, any objection to this Report and Recommendation shall be filed with the Clerk of the Court within ten (10) days after the transcript is available to counsel for reading in the clerk's office. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 2nd day of February 2006.

BY THE COURT:

S/ F.A. Gossett
United States Magistrate Judge